

Amendments to the Drawings:

The attached sheet of drawings includes new Fig. 13.

Attachment: New Sheet for Fig. 13

REMARKS

This paper is submitted in response to the Office Action dated August 8, 2006. In addition, Applicants respectfully request that a three-month extension of time be granted to respond to the Office Action mailed August 8, 2006, and that the Examiner consider this a petition therefor. The period of response therefore extends up to and includes February 23, 2007, and this paper is timely filed. Authorization for a Credit Card charge of \$510.00 for the three-month extension fee based on Applicants' small entity status is hereby included in the Electronic Fee Sheet attached. Reconsideration and allowance of all pending claims by the Examiner are therefore respectfully requested.

In the subject Office Action, the specification, drawings and claim 10 were objected to by the Examiner. In addition, claims 1, 6, 8-10 and 12-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,558,351 to Guasco (Guasco); claims 8, 11-12 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,930,785 to Mills (Mills); and claims 1-3 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,580,211 to Powell (Powell). Furthermore, claims 4-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Powell. The Examiner did indicate, however, that claim 7 was directed to patentable subject matter.

Applicants respectfully traverse the Examiner's rejections to the extent that they are maintained. Applicants have amended the specification, added a new drawing sheet for Fig. 13 and amended claims 1, 8 and 10. Applicants respectfully submit that no new matter is being added by the above amendments, as the amendments are fully supported in the specification, drawings and claims as originally filed.

Now turning to the subject Office Action, and initially with regard to the Examiner's objection to the specification and drawings, the Examiner will note that Applicants have amended the specification to update the status of the continuation-in-part application as being issued as required by the Examiner. Applicants have also amended the specification to include reference to Fig. 13 and to include reference numbers for a golf club 302, a baseball bat 304, a lacrosse stick 306, a tennis racquet 308, a hockey stick 310 and a pen 312, as shown in the new sheet of drawings for Fig. 13 indicating the

above elements claimed in the specification in the last paragraph beginning on page 43, line 21 through page 44, line 13. Accordingly, Applicants respectfully submit that the specification and drawings are now proper, and withdrawal of the objections is respectfully requested.

Next turning to the Examiner's objection of claim 10, the Examiner will note that Applicants have amended to the claim to depend from claim 9 as required by the Examiner. Withdrawal of the objection to claim 10 is therefore respectfully requested.

Now turning to the art-based rejections, and specifically to the rejection of independent claim 1, this claim has been amended to recite a method of developing strength in a muscle used while a user grips and moves a movable instrument, comprising applying a stimulating signal to a hand of the user gripping the moveable instrument that includes an electrode configured to apply the signal, wherein the signal is applied while the user moves the instrument and develops the muscle while the instrument is in motion.

Applicants respectfully submit that neither Guasco, Mills nor Powell disclose or suggest a moveable instrument that sends a signal through the hand to develop muscles used as the user swings or otherwise moves the instrument. Applicants have found that combining such muscle-developing signals with the act of practicing the movement of the swing has a synergistic effect of training the muscle as it builds strength. Similarly, a partial paralytic may regain strength in their hand by holding and writing with a pen configured to transcutaneously deliver a stimulating signal. Reconsideration and allowance of independent claim 1, and of claims 2-7 that depend therefrom, are therefore respectfully requested.

Finally with regard to the Examiner's rejection of independent claim 8, this claim has been amended to recite an apparatus for developing strength in a muscle, comprising a moveable instrument to be gripped and held by a user, a stimulator in communication with the moveable instrument configured to produce a signal for transcutaneous delivery to the muscle via a hand of the user, wherein the signal is delivered as a user moves the moveable instrument to develop the muscle while the instrument is in motion.

As with claim 1, above, Applicants respectfully submit that the prior art cited by the Examiner fails to disclose or suggest a stimulator that develops muscles as the user

grips and swings/moves it. Reconsideration and allowance of independent claim 8, and of claims 9-14 that depend therefrom, are therefore respectfully requested.

As a final matter, Applicants traverse the Examiner's rejections of the dependent claims based upon their dependency on the aforementioned independent claims. Nonetheless, Applicants do note that a number of these claims recite additional features that further distinguish these claims from the references cited by the Examiner. However, in the interest of prosecutorial economy, these claims will not be addressed separately herein.

In summary, Applicants respectfully submit that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending claims are therefore respectfully requested. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case onto allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

February 23, 2007
Date

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